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EXAMINER

OLSZEWSKI, JOHN

ART UNIT

PAPER NUMBER

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/507,488	Applicant(s) REID, REGINALD LYALL	
	Examiner JOHN R. OLSZEWSKI	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) 38,47 and 48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37,39-46 and 49-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 September 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>19 October 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. **Claims 38, and 47-48 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim.** Election was made **without** traverse in the reply filed on the 31st of December 2007. Applicant withdrew claims 47-48, however claim 38 is part of non-elected species I and therefore is also withdrawn.

This restriction requirement has been made **FINAL**.

Drawings

2. **The drawings are objected to under 37 CFR 1.83(a).** The drawings must show every feature of the invention specified in the claims. Therefore, the hollow spacer and it's orientation and arrangement relative to other items must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: it does not disclose the hollow spacer of claim 19.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. 35 U.S.C. 112, first paragraph, requires the claims to be written in "full, clear, concise, and exact terms." The claims are replete with terms which are not clear, concise and exact. The claims should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the claims are:

- In claim 9 the language is confusing and it is unclear what applicant intends to claim "...wherein the dimensions of the foot supporting member are adjustable to

accommodate *either or both* variations in the sizes of users' feet *or* shoes *and* custom-made footwear of varying sizes specifically manufactured for use with the personal conveyance". Due to the confusing nature of this claim the broadest reasonable interpretation has been applied.

- In claim 13 the language is again confusing and unclear "...wherein the gripping means includes *either or both*: a) fixing apparatus including *straps, screws, buckles, hook and pile systems, press studs, ties, bolts, with or without safety release systems*; and b) configured portions of a gripping nature including portions on the surface of the foot supporting member to receive and hold a foot or shoe in place on the foot supporting member, or improve traction of the surface of the foot supporting member, with or without safety release systems whether the shoe is attached permanently or temporarily to the foot supporting member". It is difficult to discern applicant's intentions are both a and b required and it is either or both all of the fixing apparatuses or is it either or both and b in addition to the fixing apparatus being of a group consisting of Due to the confusing nature of this claim the broadest reasonable interpretation has been applied.
- In claim 17 the language is again confusing because applicant claims that the axle assemblies are both independent and interconnected, which are contradicting terms. Due to the confusing nature of this claim the broadest reasonable interpretation has been applied.

These are only a few of the 112 1st paragraph problems present in these claims, these claims are replete with these type of errors, in addition to other confusing terminology and language. Appropriate correction is required.

5. The claims are replete with indefinite language, which is covered under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Some examples of these replete problems are:

- In claim 37 applicant states that the dimensions of the foot supporting member are optionally variable in relation to the width of the foot supporting member. The width is a dimension; it does not make sense for something to be variable relative to itself.
- In claim 44 applicant states that the front spring are optionally lighter then the rear springs. There is no adjustment on the springs themselves to make one lighter then the other it is only in assembly that a different set of springs could be used, so how would it be optional, no additional springs have been illustrated or referenced to, this makes the claim confusing and difficult to comprehend and examine.

These are only a few of the 112 2nd paragraph problems present in these claims, these claims are replete with these type of errors, in addition to other confusing terminology and language. Appropriate correction is required.

6. The claims are also replete with antecedent basis problems. Some examples of these replete problems are:

- In claim 1 applicant writes “the foot supporting member” which was previously in claim 1 “at least one foot supporting member”, in one applicant seems to be indicating there could be more than one foot supporting member, while in the other applicant is stating that there is only one foot supporting member.
- In claim 14 applicant writes “a first axle assembly” when in claim 1 applicant writes “at least two axle assemblies”, so the question is raised is the first axle assembly a third axle assembly or is it one of the at least two axle assemblies.
- In claim 20 applicant writes “an axle” which seems to indicate there might be a fourth or fifth axle, there is no indication as to which axle this is, therefore again the claim is confusing and difficult to comprehend.

These are only a few of the 112 2nd paragraph antecedent basis problems present in these claims, these claims are replete with these type of errors, in addition to other confusing terminology and language. Appropriate correction is required.

NOTE: The claims in this application have been examined as can be best understood by the examiner, due to the replete number of errors present in the claims, some claims were more difficult to discern than others, however, due to the current state of the claims as has been indicated above examiner has used broad and reasonable interpretation to reject the claims below.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-6, 14-36, 40-43, 45-46, and 49-52 are rejected under 35

U.S.C. 102(b) as being anticipated by Hosoda (US 5,975,229).

With regards to claim 1, Hosoda discloses:

- At least one foot supporting member (Figure 1, Items 10a and 10b)
- The foot supporting member including, or including provision for attachment of, at least two axle assemblies (Figure 1, Items 4 and 5)
- Said axle assemblies adapted to receive rotational motion-facilitating means (Figure 1, Items 2a, 2b, 3a, and 3b)
- The personal conveyance characterized by the motion-facilitating means being positioned relative to the foot supporting member such that at least a portion of the motion-facilitating means extends in a vertical plane above and perpendicular to the horizontal plane of the foot supporting member in a manner whereby stability is effected of either or both the personal conveyance and a person standing thereon (Figure 4)

With regards to claim 2, Hosoda discloses:

- The personal conveyance is adapted to include steering means (Column 7, Lines 9-51)

With regards to claim 3, Hosoda discloses:

- The personal conveyance is also adapted to include optional braking means (Columns 6-7, Lines 61-6)

With regards to claim 4, Hosoda discloses:

- Wherein stability of either or both the conveyance and a person standing thereon is further effected by at least one of :
 - The dimensions of the motion-facilitating means
 - The dimensions of the foot supporting member;
 - The location of the axle assemblies relative to the length of the foot supporting member;
 - The position of either or both the axle assemblies and the foot supporting member relative to the motion-facilitating means effecting a change in the center of gravity of the personal conveyance

The above limitations are inherent to the design of Hosoda's invention.

Since Hosoda discloses all of the elements of the claims thus far the stability is inherently affected by all of the above listed elements due to their interaction with one another.

With regards to claim 5, Hosoda discloses:

- Wherein stability of either or both the conveyance and a person standing thereon is further effected by at least one of:
 - Operation of the steering means
 - Operation of the breaking means

The above limitations are inherent to the design of Hosoda's invention.

Since Hosoda discloses all of the elements of the claims thus far the stability is inherently affected by all of the above listed elements due to their interaction with one another.

With regards to claim 6, Hosoda discloses:

- Wherein the foot supporting member is dimensioned to be substantially rectangular being adapted to maintain a foot or shoe in position thereon and includes a front leading edge and a rear trailing end (Figure 1, Items 4 and 5)

With regards to claim 14, Hosoda discloses:

- The first axle assembly is located towards the front leading end of the foot supporting member (Figure 3, Item 5)
- The other axle assembly is located towards the rear trailing end of the foot supporting member (Figure 3, Item 4)

With regards to claim 15, Hosoda discloses:

- Each axle assembly comprises at least one shaft located transverse of the foot supporting member and capable of independently supporting motion-facilitating means at the outer distal end(s) of the shaft (Figure 3, Items 4, 5, and 2a and 3a)

With regards to claim 16, Hosoda discloses:

- The shaft of each axle assembly is configured to be any one of:
 - A substantially straight elongated shaft (Figure 3, Items 4 and 5)
 - A substantially elongated shaft having stepped portions at at least each outer distal end
 - At least two shorter independent shafts each one being located towards opposite side edges of the foot supporting member
 - Attachable along at least a portion of its length to either or both the foot supporting member and the steering means

- Integral along at least a portion of its length with either or both the foot supporting member and the steering means

With regards to claim 17, Hosoda discloses:

- The shaft of each axle assembly are:
 - Independent of each other (Figure 3, Items 4 and 5)
 - Interconnected (Figure 3, Item 6)
 - Pivotaly mounted towards at least the front leading end of the foot supporting member to enable directional movement to be achieved (Figure 3, Item 20b)

With regards to claim 18, Hosoda discloses:

- A combination of axle assembly arrangements may be employed dependent upon:
 - The size, number and location of the motion-facilitating means
 - The proposed use of the conveyance including recreational, extreme sport, speed, skills
 - The terrain over which the personal conveyance is designed to travel

It would be inherent to a device which has an intended design, for it to be built to cater to the needs and requirements of the activity and environment in which it is to be used, therefore all the above would be inherent characteristics to be imparted on a device in order to alter its basic design

With regards to claim 19, Hosoda discloses:

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- The axle shaft optionally includes a hollow spacer along its length (Figure 7, Item 5b)
- The spacer extending to outer edges of bearings of motion-facilitating means when inserted in the motion-facilitating means (Figure 7, Items 5b, 8, and 3b)
- The spacer optionally being fixed via push-fitted, threaded, or floating between the bearings (Figure 7, Items 3b and 8)
- A larger diameter axle shaft dimensioned for aligning the shaft, spacer and motion-facilitating means (Figure 7, Items 5, 5b, 8, and 3b)

With regards to claim 20, Hosoda discloses:

- The motion-facilitating means, when attached to the distal end of one of the axles, extends laterally of the foot supporting member (Figure 3, Items 2a, 3a, 4, and 5)

With regards to claim 21, Hosoda discloses:

- At least a portion of the motion-facilitating means, when attached to the distal end of the axles, extends in the vertical plane above and perpendicular to the horizontal plane of the upper surface of the foot supporting member (Figure 4)

With regards to claim 22, Hosoda discloses:

- The motion-facilitating means is attached to the distal ends of the axles such that the center of rotation of the motion-facilitating means is substantially positioned at any one of:
 - Below the lower surface of the foot supporting member
 - In line with the horizontal plane of the foot supporting member

- Above the upper surface of the foot supporting member (Figure 4)

With regards to claim 23, Hosoda discloses:

- The position of the motion-facilitating means relative to the axle and the foot supporting member determines variations in the center of gravity of the personal conveyance as determined for effecting degrees of stability depending on the configuration of the personal conveyance and the use for which it is designed

The above limitations are inherent to the design of an invention. Since Hosoda discloses all of the elements of the claims thus far the degree of stability is inherently affected by all of the above listed elements due to their interaction with one another.

With regards to claim 24, Hosoda discloses:

- The center of gravity is lowered to effect a preferred stability

The above limitations are inherent to the design of the invention. Since Hosoda discloses all of the elements of the claims thus far the degree of stability is inherently affected by lowering the center of gravity.

With regards to claim 25, Hosoda discloses:

- The motion-facilitating means is one of the group consisting of: wheels, rotating tracks, rollers (Figure 3, Items 2a and 3a)

With regards to claim 26, Hosoda discloses:

- The motion-facilitating means are configured to optionally include any of an inflatable portion, substantially solid portion, varying spoke arrangements,

bearings for a smoother ride and improved motion-facilitating means performance (Figure 3, Items 2a and 3a)

With regards to claim 27, Hosoda discloses:

- The motion-facilitating means are configured to have either or both a radius of up to or greater than twice the distance between the underside of the foot supporting member and the surface on which the personal conveyance is standing and a wide circumferential surface contactable with the surface (Figure 4, Items 2a and 3a)

With regards to claim 28, Hosoda discloses:

- The motion-facilitating means are configured to have a radius of up to or greater than twice the distance between the underside of the foot supporting member and the surface on which the personal conveyance is standing, to ensure at least a portion of the motion-facilitating means extends in a vertical plane above and perpendicular to the foot supporting member in a manner whereby either or both stationary and mobile stability is effected of the personal conveyance and/or a person standing thereon (Figure 4, Items 2a and 3a)

With regards to claim 29, Hosoda discloses:

- The motion-facilitating means are configured to have a wide circumferential surface, to effect greater surface area contact between the circumferential surface of the motion-facilitating means and the surface on which the personal conveyance is standing (Figure 3, Items 2a and 3a)

With regards to claim 30, Hosoda discloses:

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- The motion-facilitating means are configured to either or both complement the type of ground over which the conveyance will be used and be designed to effect the speeds the conveyance may be required to attain

This is inherent in the invention of Hosoda; the motion-facilitating means are chosen to complement the type of ground over which the conveyance will be used in addition to affecting the speeds the conveyance may attain.

With regards to claim 31, Hosoda discloses:

- There is at least one motion-facilitating means on either side of the rear trailing end and of the front leading end of the of the foot supporting member (Figure 3, Items 2a, 2b, 3a, and 3b)

With regards to claim 32, Hosoda discloses:

- Tandem motion-facilitating means are optionally included in relation to either or both the front and rear ends of the foot supporting member (Figure 1, Items 3a and 2a, illustrated as being in tandem)

With regards to claim 33, Hosoda discloses:

- Having larger diameter motion-facilitating means configured to extend in a vertical plane above and perpendicular to the foot supporting member serves as additional support and protection for the users' ankles and/or minimizes the likelihood of the conveyance tipping over on to its side thereby making it less likely that the user may twist an ankle

This is inherent to the design of Hosoda's invention. By placing the center of gravity of the device lower to the ground the chance of the conveyance tipping is lowered, inherently.

With regards to claim 34, Hosoda discloses:

- Having larger diameter motion-facilitating means tends to lower the rolling resistance experienced with smaller diameter motion-facilitating means and as such enables speed to be achieved for much less effort

This is inherent to the design of Hosoda's invention. And in general this is inherent to the design of wheels in general.

With regards to claim 35, Hosoda discloses:

- When the center of gravity is lowered, less rolling resistance is encountered by each motion-facilitating means because the position of the central axis of rotation of each motion-facilitating means is such that the position of the center of rotation of the motion-facilitating means relative to the foot supporting member is raised

In as much as applicant's device achieves this so does the invention of Hosoda.

With regards to claim 36, Hosoda discloses:

- Less rolling resistance combined with larger diameter and potentially wider motion-facilitating means enables the personal conveyance to be used more effectively on uneven ground, grassed surfaces, and graveled surfaces

In as much as applicant's device achieves this so does the invention of Hosoda, because this is inherent.

With regards to claim 40, Hosoda discloses:

- The steering means includes pivoting means and resilience means (Figure 3; Column 4, Lines 33-44)

With regards to claim 41, Hosoda discloses:

- The pivoting means is centrally positioned in relation to at least axle means located towards the front leading end of the foot supporting member (Figure 3, Item 20b)

With regards to claim 42, Hosoda discloses:

- At least a portion of the pivoting means is integrally molded with the axle means and is attachable to the foot supporting member via attachment means, from the group consisting of: pins, nut and bolts, and screws (Figures 5 and 6; Column 4, Lines 34-67)

With regards to claim 43, Hosoda discloses:

- The resilience means includes at least one pair of compressible springs positioned along the axle shaft at either or both the front leading end and the rear trailing end of the foot supporting member (Figure 5, Items 21a and 21b)

With regards to claim 45, Hosoda discloses:

- The steering means is operable to effect steering via the user shifting body weight and effecting compression of at least one front and/or one rear spring to effect pivoting of the pivoting means and the axle means resulting in turning of the motion facilitating means and a directional change of the personal conveyance (Figure 1)

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With regards to claim 46, Hosoda discloses:

- The personal conveyance is operable as:
 - A pair, in the same manner as skates
 - As a single unit, in a similar manner to a skate board
 - As a single unit, in a similar manner as a scooter

The invention of Hosoda could be clearly used as both a skateboard and scooter, but could be used in the same manner as skates, if one was to employ the use of two of the inventions found in Hosoda simultaneously.

Method claims 49-52 are also rejected under this rejection since all of the structure has been found to have been disclosed in the prior art of record, therefore the structure used to reject the apparatus claims can be made by the method as claimed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 7-13 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hosoda (US 5,975,229) in view of Wyndham (US 1,768,228).

With regards to claim 7, Hosoda lacks, but Wyndham teaches:

- The dimensions of the foot supporting member are adjustable via adjustment means (Figures 1 and 2, Items 9, 10, and 11)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to take the teachings of Wyndham and incorporate them into the invention of Hosoda in order to provide a foot supporting member that can be used to fit multiple users with different foot sizes.

With regards to claim 8, Hosoda lacks, but Wyndham teaches:

- The adjustment means to adjust the dimensions of the foot supporting member includes provision to extend the length of the foot supporting member by longitudinal movement of portions of the foot supporting member via at least one of a screw system, a ratchet system, a sliding system each of which is securable following the adjustment (Figures 1 and 2, Items 9, 10, and 11)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to take the teachings of Wyndham and incorporate them into the invention of Hosoda in order to provide a foot supporting member that can be used to fit multiple users with different foot sizes.

With regards to claim 9, Hosoda lacks, but Wyndham teaches:

- The dimensions of the foot supporting member are adjustable to accommodate one of the following three: the sizes of users' feet, shoes, or custom-made

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footwear of varying sizes specifically manufactured for use with the personal conveyance (Figures 1 and 2, Items 9, 10, and 11)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to take the teachings of Wyndham and incorporate them into the invention of Hosoda in order to provide a foot supporting member that can be used to fit multiple users with different foot sizes.

With regards to claim 10, Hosoda discloses:

- The foot supporting member is also adapted to include gripping means (Figure 2, Item 12)

With regards to claim 11, Hosoda discloses:

- The gripping means effects at least one of:
 - Minimizing longitudinal and/or lateral movement of the users' foot or shoe (Figure 2, Items 10a, 10b, and 12)
 - Gripping a custom-made manufactured shoe specifically included on or attachable to the foot supporting member
 - Re-positioning of the user's foot or shoe;
 - Ensuring a correct fit for the user's foot or shoe size and shape
- on the foot supporting member (Figure 2)

With regards to claim 12, Hosoda discloses:

- The gripping means further effects at least one of:
 - Improved maneuverability of the conveyance
 - The ability to initiate and maintain preferred operation of the conveyance

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- The safety for the user by minimizing the likelihood of the foot/shoe becoming loose from the conveyance,
- Minimizing the likelihood of injury, particularly to the user's ankles

The above limitations are inherent to the design of Hosoda's invention.

Since Hosoda discloses all of the elements of the gripping means they inherently have the affects described above in this claim.

With regards to claim 13, Hosoda discloses:

- The gripping means includes either or both:
 - A fixing apparatus from the group consisting of: straps, screws, buckles, hook and pile systems, press studs, ties, bolts, with or without safety release systems (Figure 2, Items 10a, 10b, and 12)
 - Configured portions of a gripping nature including portions on the surface of the foot supporting member to receive and hold a foot or shoe in place on the foot supporting member, or improve traction of the surface of the foot supporting member, with or without safety release systems (Figure 1, Items 10a, 10b, 11, and 12)
 - whether the shoe is attached permanently or temporarily to the foot supporting member

With regards to claim 37, Hosoda lacks, but Wyndham teaches:

- The dimensions of the foot supporting member are optionally variable in relation to the width of the foot supporting member (Figures 1 and 2, Items 9, 10, and 11)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to take the teachings of Wyndham and incorporate them into the invention of Hosoda in order to provide a foot supporting member that can be used to fit multiple users with different foot sizes.

9. Claims 39 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hosoda (US 5,975,229) in view of Gay (US 5,522,609).

With regards to claim 39, Hosoda lacks, but Gay teaches:

- The optional braking means includes a stop which is deployed against the ground surface by tipping the rear or front end of the foot supporting member downwards (Figure 7, Item 106)

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the teachings of Gay and incorporate them into the invention of Hosoda in order to provide a less complicated and more maintenance free, as well as less costly braking device.

Method claim 53 is also rejected under this rejection since all of the structure has been found to have been disclosed and taught in the prior art of record, therefore the structure used to reject the apparatus claims can be made by the method as claimed.

10. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hosoda (US 5,975,229).

With regards to claim 44, Hosoda discloses:

- The springs at the front leading end of the foot supporting member are optionally lighter than the springs at the rear trailing end of the foot supporting member (Figure 5, Items 21a and 21b)

It would have been obvious to one having ordinary skill in the art to take the teaching of a dual coil spring suspension that is being used in the rear of Hosoda's invention and implement the use of the same type of suspension and adapt it to be used in the front of the invention of Hosoda. In doing so it would be desirable to one of ordinary skill in the art to vary the spring constants between the front and the rear to alter the accelerating, decelerating and turning characteristics of the invention to perform better in specific intended environments. In varying the spring constants and maintaining the spring heights being consistent conventionally one set of springs becomes heavier than another set of springs.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Rosso (US 6,676,138), Miller et al. (US 2002/0105153), Hamy (US 2003/0141689), Attey (US 2003/0164269), Lewis (US 6,926,294), Buss (US 3,953,041), Hong (US 2003/0141679), Tuan (US 6,616,155), Lin (US 6,286,843), Vogt (US 2,126,359), Nelson (US 3,19,839), Shaw (US 6,382,646), Wei et al. (US 2002/0096848), Carlson (US 3,963,252), Sano (US 2006/0038361), Kent (US

6,224,076), Richardson (US 336,437), Ho (US 5,346,231), and Chang et al. (US 2002/0089137)

- Disclose structure similar to that claimed and disclosed by applicant

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN R. OLSZEWSKI whose telephone number is (571)272-2706. The examiner can normally be reached on M-Th 5:30AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on 571-272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. R. O./
Examiner, Art Unit 3618

/Christopher P Ellis/
Supervisory Patent Examiner, Art
Unit 3618

